ATTORNEY DOCKET NO. 10030722-1

AGILENT TECHNOLOGIES, INC. Legal Department, DL429

Property Administration
P. O. Box 7599

Loverand, Colorado 80537-0599

APR 16 2009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Investor(s): Jayati Ghosh et al.

Ferial No.: 10/763,645

Examiner: Amara Abdi

Group Art Unit: 2624

Filing Date: January 22, 2004

Title: CLASSIFICATION OF PIXELS IN A MICROARRAY IMAGE BASED ON PIXEL INTENSITIES AND A PREVIEW MODE FACILITATED BY PIXEL-INTENSITY-BASED PIXEL CLASSIFICATION

COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria VA 22313-1450

NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the examiner dated, January 13, 2009 , rejecting the following claims 1-9, 11 and 14-20

The fee for this Notice of Appeal (37 CFR 1.17(b)) is \$500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

(a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total

| | Applicant petitions for r of months checked be | | R 1.136 (fees: 37 CFR 1.17(a)-(d) | | |
|---------|--|--|-----------------------------------|--|--|
| | one month two months three months four months | \$ 120.00 \$ 450.00 \$1020.00 \$1590.00 | | | |
| | ☐ The extension fee has already been filled in this application. | | | | |
| (F) (N) | Applicant believes that no extension of term is required. However, this conditional netiti | | | | |

(b) Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account **50-1078** the sum of \$500.00 . At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account **50-1078** pursuant to 37 CFR 1.25.

A duplicate copy of this transmittal letter is enclosed.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date of Deposit: April 13, 2009

OR

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Date of Facsimile:

Typed Name: Joanne Bourguigno

Signature:_

Respectfully submitted,

Jayati Ghosh et al.

Ву

Robert W. Bergstrom
Attorney/Agent for Applicant(s)

Reg. No. 39,906

Date: April 13, 2009

Telephone No. 206.621.1933

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ATTORNEY DOCKET NO. 10030722-1

Telephone No. 206.621.1933

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| Inventor(s): Jayati G | Shosh et al. | | |
|---|-----------------------------------|---|---|
| Serial No.: 10/763,6 | 645 | | Examiner: Amara Abdi |
| Filing Date: January | 22, 2004 | | Group Art Unit: 2624 |
| | | | AGE BASED ON PIXEL INTENSITIES AND A Y-BASED PIXEL CLASSIFICATION |
| COMMISSIONER FO P.O. Box 1450 Alexandria VA 223 | | | |
| Sir: | | CE OF APPEAL FROM TH D OF PATENT APPEALS | |
| Applicant hereby app dated, January 13, 20 | | ard of Patent Appeals and I ng the following claims 1-9, | nterferences from the decision of the examiner 11 and 14-20 |
| The fee for this Notice | e of Appeal (3 | 7 CFR 1.17(b)) is \$500.00. (complete (a) or (b) as | applicable) |
| The proceedings here | ein are for a pa | atent application and the pro- | ovisions of 37 CFR 1.136(a) apply. |
| | tions for an ex | | FR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total |
| _ | | 100.00 | |
| three | months \$ months \$10 | 120.00 450.00 020.00 590.00 | |
| ☐ The exter | nsion fee has | already been filled in this ap | oplication. |
| (b) Applicant beli made to provic and fee for ext | de for the poss | sibility that applicant has ina | However, this conditional petition is being dvertently overlooked the need for a petition |
| Please charge to Depapplication, please ch CFR 1.25. | oosit Account (narge any fees | 50-1078 the sum of \$500.00 required or credit any over | O At any time during the pendency of this payment to Deposit Account 50-1078 pursuant to 37 |
| A duplicate copy of th | is transmittal | letter is enclosed. | |
| | | | Respectfully submitted, |
| ☑ I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. | | | Jayati Ghosh et al. |
| | | | By Later 7/ Dente |
| Date of Deposit: April 1 | 3, 2009 | OR | Robert W. Bergstrom Attorney/Agent for Applicant(s) |
| I hereby certify that this the Patent and Tradema | | | Reg. No. 39,906 |
| Date of Facsimile: | 4 | | Date: April 13, 2009 |
| Typed Name: Joanne Bo | ourguignon | _ | |

Rev 06/05 (NoteApeal)

Signature: